

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

YELLOWCAKE, INC., a California corporation,

Plaintiff,

v.

HYPHY MUSIC, INC.,

Defendant.

No. 1:20-cv-00988-DAD-BAM

ORDER TO SHOW CAUSE WHY SETH L. BERMAN'S PRO HAC VICE STATUS SHOULD NOT BE DENIED

FOURTEEN (14) DAY DEADLINE

Plaintiff Yellowcake, Inc. initiated this copyright action on July 16, 2020. (Doc. No. 1.)

On August 20, 2020, Seth L. Berman filed an application to appear and participate pro hac vice in this action. (Doc. No. 10.)

Local Rule 180 governs the admission of attorneys to practice pro hac vice in this Court.

Pursuant to Local Rule 180(b)(2),

Unless authorized by the Constitution of the United States or an Act of Congress, an attorney is not eligible to practice [pro hac vice] if any one or more of the following apply: (i) the attorney resides in California, (ii) the attorney is regularly employed in California, or (iii) the attorney is regularly engaged in professional activities in California.

L.R. 180(b)(2).

According to the application and Court records, Mr. Berman recently has made pro hac

1 vice applications to this Court in the following matters, which have been granted: (1)
2 *Yellowcake, Inc. v. Plantino Records, et al.*, Case No. 1:-20-cv-00796; and (2) *Yellowcake, Inc.*
3 *v. Morena Music, Inc., et al.*, Case No. 1:20-cv-00787. (Doc. No. 10 at 2.) Frequent
4 applications for admission pro hac vice may indicate that an attorney is regularly engaged in
5 professional activities in California in violation of Local Rule 180(b)(2). *See, e.g., Guguni v.*
6 *Chertoff*, 2008 WL 2080788 (N.D. Cal. 2008); *Mendoza v. Golden West Sav. Ass'n Services*
7 *Co.*, 2009 WL 2050486 (C.D. Cal. 2009); *Ang v. Bimbo Bakeries USA, Inc.*, 2015 WL 1474866
8 (N.D. Cal. 2015).

9 Accordingly, Seth L. Berman is HEREBY ORDERED to SHOW CAUSE why his
10 admission pro hac vice should not be denied on the basis that he is regularly engaged in
11 professional activities in California. Mr. Berman shall file a written response to this order to
12 show cause within **fourteen (14) days** of service of this order.

Failure to respond to this order to show cause may result in the imposition of sanctions, including but not limited to monetary sanctions.

IT IS SO ORDERED.

Dated: August 24, 2020

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE